

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Page 2

09/970076

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20 =	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 13	Minus	** 21	= 0
Independent	* 2	Minus	*** 8	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

SMALL ENTITY OTHER THAN
TYPE OR SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	370.00	OR BASIC FEE	740.00
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL		OR TOTAL	

OTHER THAN
SMALL ENTITY OR SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 11	Minus	** 21	= 0
Independent	* 2	Minus	*** 8	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 35	Minus	** 21	= 14
Independent	* 3	Minus	*** 8	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input checked="" type="checkbox"/>				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	70000
X42=		OR X84=	
+140=		OR +280=	36000
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	106000

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: July 7, 2005

Bennett J. Benson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John A. T. Young
Kenneth A. Bradley
Robert J. Collier
Jeremy S. Mogridge

Date: July 7, 2005

Serial No.: 09/970,076

Art Unit: 1645

Filed: October 3, 2001

Examiner: Nita M. Minnifield

For: RECEPTOR FOR B. ANTHRACIS TOXIN

Docket: 960296.97745

RESPONSE

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action mailed April 7, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

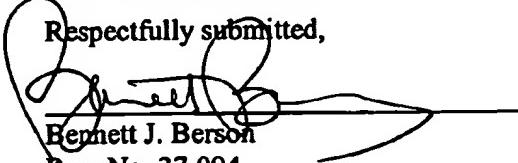
encoded by AF279145 at amino acid 365 and beyond. These amino acid differences are significant in that they are not merely conservative substitutions (compare Asn Lys Ile Lys of amino acids 365-368 of SEQ ID NO:2 of the present invention with Glu Asp Asp Asp of amino acids 365-368 of the polypeptide encoded by AF279145). Therefore, St. Croix et al. (AF279145) cannot anticipate amended claims 27 and 28 and their dependents (claims 11-13, 19-21, and 29 and new claims 34-36) with respect to SEQ ID NO:2. It is specifically noted that dependent claim 29 is not anticipated because coding nucleotides 1196-1207 of SEQ ID NO:1 of the present invention differ from the corresponding part of AF279145 by 75% (9 out of 12 nucleotides are different) leading to completely different coded amino acids.

In addition, St. Croix et al. cannot anticipate amended claims 28 and 30 and their dependents (claims 12, 13, 19-21, and 31 and new claims 34-36) with respect to the amino acids 27-321, 28-320, 41-227, 42-222, and 44-216 of SEQ ID NO:2 as St. Croix et al. did not disclose the above fragments of SEQ ID NO:2 in particular.

New claim 32 is directed at a soluble polypeptide that comprises the amino acids 27-321 or 28-320 of SEQ ID NO:2. As has already been argued successfully in the response of April 2, 2004 (indicated by the office action mailed October 6, 2004 in which the anticipation rejection based on St. Croix et al. was withdrawn), such soluble polypeptides are novel over the insoluble full length protein (containing a hydrophobic transmembrane domain) encoded by AF279145. Accordingly, St. Croix et al. cannot anticipate new claim 32 and its dependents (claims 12, 13, and 19-21, and new claims 33-36).

No extension of time is believed to be necessary and no fee is believed to be due in connection with this response. However, if any extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,


Bennett J. Berson
Reg. No. 37,094
Attorney for Applicant
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701-2113

TEL: 608.251.5000
FAX: 608.251.9166